

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HARRY HUDDLESTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10-995-JPG-DGW
	)	
CITY OF ALTON, ILLINOIS; STEPHEN	)	
JANUARY; and ANDREW PIERSON,	)	
	)	
Defendants.	)	

**SECOND MOTION IN LIMINE**

Now come the defendants, CITY OF ALTON, ILLINOIS; STEPHEN JANUARY; and ANDREW PIERSON, by and through their undersigned attorneys, PIERCE LAW FIRM, P.C., and respectfully move this Honorable Court, in limine, to enter an Order directing plaintiff, Harry Huddleston, and his respective counsel, and any witnesses called by the plaintiff, to refrain from making any direct or indirect mention whatsoever, at the trial, of the matters herein set forth, without first obtaining permission from this Court:

1. Defendants had previously filed a motion to bifurcate based on the potential prejudice of trying the individual liability claim with the *Monell* claim. They also filed a motion in limine seeking to exclude evidence of these so-called training standards. Both such motions were denied. The undersigned recognizes that this motion in limine is being filed somewhat late, however, the basis for it only became apparent at the recent hearing on this matter.

At the final pre-trial conference and arguments on pending motions, plaintiff's counsel raised an issue which highlights the potential prejudice to defendants. Plaintiff argued that the police officers had not received additional taser training **even after** the incident in question and that the lack of additional training was relevant to the plaintiff's claim for punitive damages

against these officers.<sup>1</sup> Anything which happened after the date of the incident has no relevance nor bearing whatsoever on the issues. Any “failure to train” liability lies with the City, not with the individual officers. Similarly, the officers cannot be subject to punitive damages for any alleged deficiencies in training, especially events which occurred after the incident in question. This Court should bar any evidence regarding training which did or did not occur after the incident, training standards which were promulgated after the incident, or any other post-occurrence evidence.

GRANTED \_\_\_\_\_

DENIED \_\_\_\_\_

WHEREFORE, the defendants, CITY OF ALTON, ILLINOIS; STEPHEN JANUARY; and ANDREW PIERSON, pray that this Court enter an Order directing the plaintiff, Harry Huddleston, through his respective counsel, and any witnesses called by the plaintiff, to refrain from making any direct or indirect mention whatsoever, at the trial, of the matters set forth, without first obtaining permission from this Court.

Respectfully Submitted,

By: s/Charles A. Pierce

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<sup>1</sup> Punitive damages are not recoverable against the municipality. *Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981).

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2012 I electronically filed a SECOND MOTION IN LIMINE on behalf of the defendants, CITY OF ALTON, STEPHEN JANUARY and ANDREW PIERSON, with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Mr. Stephen Ryals  
Mr. John Bruzek  
The Ryals Law Firm, P.C.  
3120 Locust Street  
St. Louis, MO 63103

Respectfully submitted,

s/CHARLES A. PIERCE

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